

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

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**EDWARD THOMAS KENNEDY,**  
*Plaintiff-Appellant*

v.

**JOSEPH N. HANNA, JOHN DOE NO. 1, JOHN DOE  
NO. 2, COUNTY OF LEHIGH, PHILLIPS  
ARMSTRONG, EDGARDO COLON, UPPER  
MACUNGIE TOWNSHIP, ROBERT IBACH,  
STEPHEN J. MARSHALL,**  
*Defendants-Appellees*

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2018-2203

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Appeal from the United States District Court for the  
Eastern District of Pennsylvania in No. 5:18-cv-00977-  
CDJ, Judge C. Darnell Jones II.

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PER CURIAM.

## **O R D E R**

Edward Thomas Kennedy filed the operative complaint at the United States District Court for the Eastern District of Pennsylvania seeking damages against a municipality and local police officers in connection with his arrests in June and August 2017. The defendants filed motions to dismiss, which remain pending. Mr.

Kennedy moved for summary judgment and twice for partial summary judgment. Each of those motions was denied for being improperly filed. In response to the most recent denial, Mr. Kennedy filed this appeal.

This is a court of limited jurisdiction. With regard to appeals from federal district courts, this court ordinarily only has jurisdiction in cases that arise under the patent laws or money-damages claims against the United States. 28 U.S.C. § 1295(a)(1)–(2). Accordingly, it does not appear that this court has jurisdiction over this case.

Pursuant to 28 U.S.C. § 1631, this court may transfer an appeal, but only to a court in which the appeal could have been brought at the time it was filed or noticed. An appeal from the Eastern District of Pennsylvania typically would be brought in the United States Court of Appeals for the Third Circuit. Ordinarily, the Third Circuit only has jurisdiction over “final decisions” of district courts. Here, however, the district court has not yet entered a final judgment in the case.

Accordingly,

IT IS ORDERED THAT:

(1) Within 30 days from the date of filing of this order, the parties are directed to respond as to whether this appeal should be transferred or dismissed.

(2) The briefing schedule is stayed.

FOR THE COURT

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court